

## CIVIL COVER SHEET

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September, 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF FORM.)

**I. (a) PLAINTIFFS**

LINDA BROWN  
928 E. Wadsworth Avenue  
Philadelphia, PA 19150

**DEFENDANTS**

BURLINGTON COAT FACTORY WAREHOUSE CORPORATION  
1830 Route 130 North  
Burlington, NJ 08016

JAMES O. WILSON, JR.  
75 Triangle Lane  
Willingboro, NJ 08046

(b) County of Resident of First Listed Plaintiff Delaware County, PA  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Burlington County, New Jersey \_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE OF LAND INVOLVED

**(c) ATTORNEYS (FIRM NAME AND TELEPHONE NUMBER)**

Michael O. Pansini, Esquire  
Steven M. Mezrow, Esquire  
David B. Pizzica, Esquire  
Pansini, Mezrow & Davis  
1525 Locust Street, 15th Floor  
Philadelphia, PA 19102  
(215) 732-5555

**ATTORNEYS IF KNOWN:**

George M. Vinci, Jr., Esquire  
John T. Asher, III, Esquire  
**Spector Gadon Rosen Vinci P.C.**  
1635 Market Street, 7<sup>th</sup> Floor  
Philadelphia, PA 19103  
(215) 241-8847

**II. BASIS OF JURISDICTION (Place an "X" in One Box Only)**

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One box for Plaintiff and one Box for Defendant)**

- |   |                                       |                                       |   |                            |                                       |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
|   | PTF                                   | DEF                                   |   | PTF                        | DEF                                   |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal of Business in Another State   | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT (Place an "X" in One Box Only)**

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability  <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury  <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury--Med. Malpractice <input type="checkbox"/> 365 Personal Injury--Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability  <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS--Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Services <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions

**V. ORIGIN (Place an "X" in One Box Only)**

- ☐ 1 Original Proceeding  
☒ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 (specify) \_\_\_\_\_  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)**

Action is removable pursuant to 28 U.S.C. §§1441

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY (See instructions):** None

DATE October 26, 2021 SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

FOR OFFICE USE ONLY

Receipt # \_\_\_\_\_ Amount \_\_\_\_\_ Applying IFP \_\_\_\_\_ Judge \_\_\_\_\_ Mag. Judge \_\_\_\_\_

FOR THE EASTERN DISTRICT OF PENNSYLVANIA -- DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 928 E. Wadsworth Avenue, Philadelphia, PA 19150

Address of Defendant: 1830 Route 130 North, Burlington, NJ 08016; and, 75 Triangle Lane, Willingboro, NJ 08046

Place of Accident, Incident or Transaction: At or near John Galt Way and Route 130 South, Florence, NJ 08016

(Use Reverse Side for Additional Space)

Does this case have multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE IF ANY

Case Number:

Judge

Date Terminated

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court:

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

CIVIL: (Place in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability - Asbestos
9. ☒ All other Diversity Cases (Please specify)

Premises Liability

ARBITRATION CERTIFICATION  
(Check appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 8, Section 4(a)(2), that, to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000 exclusive of interest and cost;

☐ Relief other than monetary damages is sought.

Date: \_\_\_\_\_

Attorney at Law

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

Date: October 24, 2021

Attorney at Law

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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LINDA BROWN

Plaintiff,

v.

BURLINGTON COAT FACTORY  
WAREHOUSE

and

JAMES O. WILSON, JR.

Defendants.

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In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2 ( )
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred

to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)

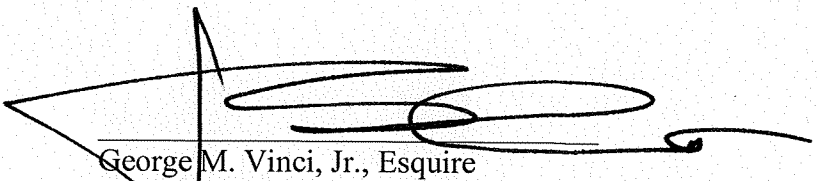
( )

- (f) Standard Management -- Cases that does not fall into any one of the other tracks.

( X )

Date

October 26, 2021



George M. Vinci, Jr., Esquire  
John T. Asher, III, Esquire  
Spector Gadon Rosen Vinci P.C.  
1635 Market Street, 7<sup>th</sup> Floor  
Philadelphia, PA 19107  
(215) 241-8847

Attorneys for defendants Burlington Coat  
Factory Warehouse Corporation, incorrectly  
identified as "Burlington Coat Factory  
Warehouse" and James O. Wilson, Jr.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

---

LINDA BROWN

Plaintiff,

v.

BURLINGTON COAT FACTORY  
WAREHOUSE

and

JAMES O. WILSON, JR.

Defendants.

---

**NOTICE OF REMOVAL OF DEFENDANTS BURLINGTON COAT FACTORY  
WAREHOUSE CORPORATION AND JAMES O. WILSON, JR.**

Defendants, Burlington Coat Factory Warehouse Corporation, incorrectly identified as “Burlington Coat Factory Warehouse”(“Burlington), and James O. Wilson, Jr. (“Defendant Wilson”)(collectively, with Burlington, the “Removing Defendants”) by and through their counsel, George M. Vinci, Jr., Esquire, John T. Asher, III, Esquire and the law firm of Spector, Gadon Rosen Vinci P.C., remove this action from the Court of Common Pleas of Philadelphia, docketed in the September Term, 2021, No. 02242 (“State Court Action”) to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. §1441, and in support thereof avers as follows:

1. Plaintiff, Linda Brown (“Plaintiff”) commenced the State Court Action by complaint on September 29, 2021. See Plaintiff’s Complaint, a true and correct copy of which is attached hereto as Exhibit “A.”

2. In her Complaint, Plaintiff alleges that on February 15, 2021 she was operating her motor vehicle and was stopped waiting to yield from off of John Galt Way onto Route 130 South, when the vehicle operated by James O. Wilson, Jr. struck the rear of her vehicle (the “Accident”). Id. at ¶7.

3. Plaintiff contends that at the time of the alleged Accident, Defendant Wilson was operating his vehicle in the course and scope of his employment with Burlington. Id. at ¶ 6.

4. As a result of the alleged Accident, Plaintiff alleges that she sustained a variety of injuries, severe and permanent injuries to her body, and aggravation and/or exacerbation of all known and pre-existing medical conditions. Id. at ¶ 9.

5. Plaintiff also contends that as a result of the alleged Accident that she suffered internal injuries of an unknown nature, severe aches, pains, mental anxiety and anguish, a severe shock to her nervous system and other injuries, the full extent of which is unknown. Id.

6. Plaintiff further alleges that as a result of the alleged Accident, she has incurred lost wages, and has been forced to expend money for medical attention and will be forced to do so in the future. Id. at ¶¶ 9 – 10.

7. Plaintiff also contends that the injuries she sustained as a result of the alleged Accident are permanent. Id. at ¶ 9.

8. In her Complaint, Plaintiff has brought claims against Burlington, which is incorrectly identified as “Burlington Coat Factory Warehouse,” and Defendant Wilson for negligence. Id.

9. In the ad damnum clause of her complaint, Plaintiff requests damages in an amount in excess of \$50,000.00, plus punitive damages, delay damages, costs, interest and other damages permitted by law. Id.



10. Removing Defendants believe that this action is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332 and is one which may be removed pursuant to the provisions of 28 U.S.C. § 1441.

11. This Notice of Removal is timely under 28 U.S.C. § 1446(b) since it has been filed within thirty days after receipt by Burlington of the Plaintiff's Complaint on September 29, 2021, the date it was filed. See Exhibit "A."

12. No further proceedings have taken place in the State Court Action.

13. This action is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. §1332 and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. §1441.

14. Plaintiff, as alleged in her Complaint, resides at 928 E. Wadsworth Avenue, Philadelphia, PA 19150. Id. at ¶ 1.

15. Based on information obtained by Burlington from a public records search, Burlington has learned that Plaintiff is the owner and/or lessee of a motor vehicle bearing Pennsylvania license number 18894-PD; that she maintains a professional license as a barber in Pennsylvania, #BL048770L which was issued in 1990 and which is currently inactive; and, believes that she has a Social Security number issued in Pennsylvania in 1976-1977.

16. Based on information obtained by Burlington, it is clear that Plaintiff is domiciled in Pennsylvania, and as such is a citizen of the Commonwealth of Pennsylvania. McCann v. Newman Irrevocable Trust, 458 F.3d 281, 286 (3d Cir. 2006).

17. Burlington is a Florida Corporation, with its principal place of business located at 1830 Route 130 North, Burlington, New Jersey 08016.

18. As a Florida Corporation, with its principal place of business in New Jersey,

Burlington is a citizen of both Florida and New Jersey.

19. Defendant Wilson resides at 75 Triangle Lane, Willingboro, NJ 08046, where he has resided for approximately twenty years.

20. Defendant Wilson is registered to vote in New Jersey, and maintains a vehicle registered in New Jersey.

21. Defendant Wilson is therefore domiciled in New Jersey, and is a citizen of New Jersey.

22. Based on the allegations contained in Plaintiff's complaint regarding her alleged personal injuries, which she alleges are permanent, her claim for loss of earnings and medical expenditures now and into the future, as well as her demand for punitive damages, Burlington can reasonably conclude that Plaintiff's claims exceed \$75,000.00, exclusive of interest and costs.

23. Since the Plaintiff is a resident and citizen of Pennsylvania; Removing Defendants, Burlington and Defendant Wilson, are citizens of Florida and New Jersey; and, the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, this matter is removable pursuant to 28 U.S.C. §1441.

24. Removing Defendants have simultaneously with the filing of this notice, given written notice to counsel for Plaintiff of the removal of this action.

25. Removing Defendants have filed a copy of this Notice of Removal, with all attachments, in the Court of Common Pleas of Philadelphia.

WHEREFORE, defendants, Burlington Coat Factory Warehouse Corporation, incorrectly identified as "Burlington Coat Factory Warehouse," and James O. Wilson, Jr., respectfully request that the above titled action now pending in the Court of Common Pleas of Philadelphia



be removed to the United States District Court for the Eastern District of Pennsylvania.

**SPECTOR GADON ROSEN VINCI P.C.**



**GEORGE M. VINCI, JR., ESQUIRE**

**JOHN T. ASHER, III, ESQUIRE**

**7<sup>th</sup> Floor, 1635 Market Street**

**Philadelphia, PA 19103**

**(215) 241-8888**

**ATTORNEYS FOR DEFENDANTS,  
BURLINGTON COAT FACTORY WAREHOUSE  
CORPORATION AND JAMES O. WILSON, JR.**

Dated: October 26, 2021

**CERTIFICATE OF ELECTRONIC FILING AND SERVICE**

I, JOHN T. ASHER, III, ESQUIRE, attorney for the defendants, Burlington Coat Factory Warehouse Corporation and James O. Wilson, Jr. do hereby certify that a true and correct copy of the foregoing praecipe for removal was filed with the United States District Court for the Eastern District of Pennsylvania and served via the Court's e-filing system (PACER) on the date set forth below on the following counsel of record:

Michael O. Pansini, Esquire  
Steven M. Mezrow, Esquire  
David B. Pizzica, Esquire  
1525 Locust Street, 15th Floor  
Philadelphia, PA 19102  
Attorneys for plaintiff, Linda Brown

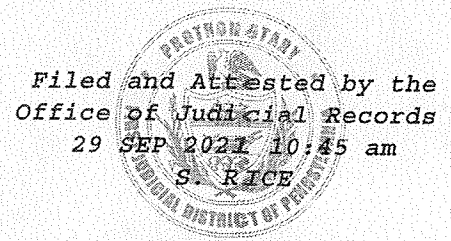


**JOHN T. ASHER, III, ESQUIRE**

Dated: October 26, 2021

# EXHIBIT “A”

**PANSINI, MEZROW & DAVIS**  
**BY: MICHAEL O. PANSINI, ESQUIRE**  
**I.D. #44455**  
**BY: STEVEN M. MEZROW, ESQUIRE**  
**I.D. #43746**  
**BY: DAVID B. PIZZICA, ESQUIRE**  
**I.D. #308937**  
**1525 Locust Street, 15<sup>th</sup> Floor**  
**Philadelphia, PA 19102**  
**(215) 732-5555**



**THIS IS A MAJOR JURY TRIAL**  
**Attorneys for Plaintiff**

**LINDA BROWN**  
**928 E. Wadsworth Ave.**  
**Philadelphia, PA 19150**

**v.**

**BURLINGTON COAT FACTORY**  
**WAREHOUSE**  
**1830 Route 130**  
**Burlington, NJ 08016**  
**and**  
**JAMES O. WILSON, JR.**  
**75 Triangle Lane**  
**Willingboro, NJ 08046**

**COURT OF COMMON PLEAS**  
**PHILADELPHIA COUNTY**

**NO.**

**CIVIL ACTION B COMPLAINT - NOTICE TO DEFEND**  
**2V - MOTOR VEHICLE ACCIDENT**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association  
 Lawyer Referral and Information Service  
 1101 Market Street, 11<sup>th</sup> Floor  
 Philadelphia, Pennsylvania 19107  
 (215) 238-6300

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias, de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion de Liceneados de Filadelfia  
 Servicio de Referencia e Informacion Legal  
 1101 Market Street, 11<sup>th</sup> Floor  
 Filadelfia, Pennsylvania 19107  
 (215) 238-6300

**PANSINI, MEZROW & DAVIS**  
**BY: MICHAEL O. PANSINI, ESQUIRE**  
**I.D. #44455**  
**BY: STEVEN M. MEZROW, ESQUIRE**  
**I.D. #43746**  
**BY: DAVID B. PIZZICA, ESQUIRE**  
**I.D. #308937**  
**1525 Locust Street, 15<sup>th</sup> Floor**  
**Philadelphia, PA 19102**  
**(215) 732-5555**

**THIS IS A MAJOR JURY TRIAL**

**Attorneys for Plaintiff**

**LINDA BROWN**  
**928 E. Wadsworth Ave.**  
**Philadelphia, PA 19150,**

**COURT OF COMMON PLEAS**  
**PHILADELPHIA COUNTY**

**v.**

**BURLINGTON COAT FACTORY**  
**WAREHOUSE**

**Burlington, NJ 08016**

**and**

**JAMES O. WILSON, JR.**

**75 Triangle Lane**

**Willingboro, NJ 08046,**

**NO.**

**CIVIL ACTION COMPLAINT**  
**2V - MOTOR VEHICLE ACCIDENT**

1. Plaintiff, **LINDA BROWN**, is an adult individual residing at 928 E. Wadsworth Ave., Philadelphia, PA 19150.

2. Defendant, **BURLINGTON COAT FACTORY WAREHOUSE**, is a Pennsylvania corporation and/or foreign corporation, which at all times relevant hereto is engaged in business in the County of Philadelphia, Commonwealth of Pennsylvania, on a regular, systematic, continuous and substantial basis, including, but not limited to, the following locations: 833 Market Street, Philadelphia, PA, 424 W. Oregon Avenue, Philadelphia, PA, 7301 Castor Avenue, Philadelphia, PA, 3401 Aramingo Avenue, Philadelphia, PA, 1563 Franklin Mills Circle, Philadelphia, PA and 9940 Roosevelt Blvd.,

Philadelphia, PA.

3. Defendant, **JAMES WILSON, JR.**, is an adult individual residing at 75 Triangle Lane, Willingboro, NJ 08046.

4. Defendant's office or usual place of business is in Philadelphia County and/or the Defendant is amenable to service in Philadelphia County.

5. At all times material hereto, the Defendant, **BURLINGTON COAT FACTORY WAREHOUSE**, by and through their agents, servants, workmen and/or employees, including **JAMES O. WILSON, JR.**, acting in the course of his employment and within the scope of his authority with the said Defendant and in furtherance of said Defendant's business, owned, operated, maintained, serviced, controlled, supervised the use of, and possessed the 2014 Ford Escape involved in the accident hereinafter described.

6. On the day of the incident, **JAMES WILSON, JR.**, was operating a 2014 Ford Escape motor vehicle in the course and scope of his employment with Defendant, **BURLINGTON COAT FACTORY**.

7. On or about February 15, 2021, Plaintiff's vehicle was stopped waiting to yield from off of John Galt Way onto Route 130 South, when the Defendant's vehicle who traveling in the same direction, when suddenly and without warning, was so carelessly, negligently and recklessly operated and controlled that it was caused to strike the motor vehicle driver by Plaintiff, **LINDA BROWN**, which vehicle was then and there lawfully upon the highway at the time and place aforesaid.

**COUNT I**  
**LINDA BROWN V. BURLINGTON COAT FACTORY**  
**WAREHOUSE AND JAMES WILSON, JR.**

8. The carelessness, recklessness and negligence of the Defendants,



**BURLINGTON COAT FACTORY WAREHOUSE** and **JAMES WILSON, JR.**, consisted of the following:

- (a) operating said motor vehicle at a high and excessive rate of speed under the circumstances;
- (b) failing to have said motor vehicle under proper and adequate control at the time of the accident;
- (c) failing to maintain a safe and proper lookout;
- (d) failing to apply the brakes in time to avoid the collision;
- (e) failing to give proper and sufficient warning of the approach of said vehicle;
- (f) failing to pay attention while operating said motor vehicle;
- (g) otherwise failing to exercise due and proper care under the circumstances;
- (h) following too closely, in violation of New Jersey Vehicle Code;
- (i) striking a vehicle on the roadway; and,
- (j) violating the statutes of the State of New Jersey pertaining to the operation of motor vehicles.

9. By reason of the aforesaid recklessness and/or carelessness and negligence of the Defendant as hereinbefore alleged, the Plaintiff, **LINDA BROWN**, suffered severe and permanent injuries to her body, and aggravation and/or exacerbation of all known and unknown pre-existing medical conditions. The Plaintiff, **LINDA BROWN**, suffered internal injuries of an unknown nature; she suffered severe aches, pains, mental anxiety and anguish, and a severe shock to her entire nervous system, and other injuries the full extent of which are not yet known. She has in the past and will in the future undergo severe pain

and suffering as a result of which she has been in the past and will in the future be unable to attend to her usual duties and occupation, all to her great financial detriment and loss. The Plaintiff, **LINDA BROWN**, believes and therefore avers that her injuries are permanent in nature.

10. As a result of the aforesaid occurrence, the Plaintiff, **LINDA BROWN**, has been compelled, in order to effectuate a cure for the aforesaid injuries, to expend large sums of money for medicine and medical attention and may be required to expend additional sums for the same purposes in the future.

11. As a result of the aforesaid occurrence, the Plaintiff, **LINDA BROWN**, has been prevented from attending to her usual and daily activities and duties, and may be so prevented for an indefinite time in the future, all to her great detriment and loss.

12. As a result of the aforesaid occurrence, the Plaintiff, **LINDA BROWN**, has suffered physical pain, mental anguish and humiliation and she may continue to suffer same for an indefinite period of time in the future.

**WHEREFORE**, Plaintiff, **LINDA BROWN**, demands judgment in her favor and against Defendant, **JAMES WILSON, JR.**, jointly and severally, in a sum in excess of Fifty Thousand Dollars (\$50,000.00), plus punitive damages, delay damages, costs, interest, and other damages permitted by law.

**PANSINI, MEZROW & DAVIS**

**DATE:** September 29, 2021

**BY:** /s/ MICHAEL O. PANSINI  
**MICHAEL O. PANSINI, ESQUIRE**  
**STEVEN M. MEZROW ESQUIRE**  
**DAVID B. PIZZICA, ESQUIRE**  
**Attorneys for Plaintiff**